

EXHIBIT 13

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO
TRUCKING LLC,

Defendants.

Case No.

3:17-cv-00939-WHA

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF GARY T. BROWN
San Francisco, California
Friday, March 24, 2017
Volume I

Reported by: SUZANNE F. GUDELJ
CSR No. 5111
Job No. 2577644
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1 MR. HOLMES: -- the question he has.

2 MR. GONZALEZ: Let's go off the record.

3 VIDEO OPERATOR: We are off the record at

4 12:24 p.m.

5 (Recess.)

12:27:59

6 VIDEO OPERATOR: We are back on the record

7 at 12:27 p.m.

8 BY MR. GONZALEZ:

9 Q Who told you that Mr. Levandowski had
10 access to the server and downloaded 14,000 files? 12:28:07

11 A A lawyer.

12 Q Which lawyer?

13 A Tom Gorman.

14 Q And did you then seek to confirm that by
15 your analysis? 12:28:22

16 A Yes.

17 Q And did you confirm that in October of
18 2016?

19 A I corroborated the download with network
20 traffic. 12:28:43

21 Q So you looked at the network traffic to
22 corroborate that 14,000 files were downloaded onto
23 what device?

24 A Anthony Levandowski's work laptop.

25 Q The work laptop that was issued to him by 12:29:00

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1 A Generation of Google Drive activity logs --

2 Q What does that mean?

3 A -- as I state in paragraph 21 on my
4 declaration.

5 Q Let me pause right there. That's a good 12:43:10
6 way to do it. So whatever this says in paragraph 21
7 you did in about July of 2016; is that fair?

8 A Yes.

9 Q Let me just read this to myself.

10 Okay. So then paragraph 22 says "based on 12:43:33
11 my review..." Is that also something that you
12 did -- that's your conclusion in July of 2016?

13 A I generated the logs.

14 Q Okay. When did you do that?

15 A In July 2016 or August 2016, somewhere in 12:43:59
16 there.

17 Q All right. So paragraph 22 and paragraph
18 23 are the same time period as paragraph 21?

19 A It was over a series of months.

20 Q All right. Beginning in July? 12:44:21

21 A Yes.

22 Q So these five documents in paragraph 22,
23 when did you first conclude in your own mind that
24 those five documents had been exported?

25 A In July I generated a report of copies and 12:44:47

1 exports, among other things.

2 Q And so these five documents were among
3 those that you're referring to in paragraph 22?

4 A Yes.

5 Q And you say that they were exported to a 12:45:12
6 personal device that was not issued by Google. Do
7 you see that?

8 A Yes.

9 Q And how do you know that the device was not
10 issued by Google? 12:45:21

11 A The user agent string did not match any
12 device that had been issued to Anthony Levandowski.

13 Q It's not unusual for somebody to download a
14 document onto their own device, is it?

15 MR. HOLMES: Objection to form. 12:45:46

16 THE WITNESS: I believe policy discourages,
17 if not forbids, sensitive information to be
18 downloaded onto personal devices. We even have
19 rules about sensitive information on corporate
20 devices that are mobile and could be lost. 12:46:06

21 BY MR. GONZALEZ:

22 Q By the way, these five items, in your view,
23 sensitive information?

24 A I believe anything that, unless marked for
25 public consumption, that comes from any corporate 12:46:17